

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	1:20-CR-01867-MV
)	
Joshua Gutierrez)	
)	
Defendant.)	

DECLARATION OF PUBLICATION

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, notice of the forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on January 15, 2021 and ending on February 13, 2021. (See, Attachment 1).

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 18, 2021 at Albuquerque, NM.



Justina Hacker
Forfeiture Paralegal

Attachment 1

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
COURT CASE NUMBER: 1:20-CR-01867-MV; NOTICE OF FORFEITURE**

Notice is hereby given that on December 07, 2020, in the case of U.S. v. Joshua Gutierrez, Court Case Number 1:20-CR-01867-MV, the United States District Court for the District of New Mexico entered an Order condemning and forfeiting the following property to the United States of America:

Firearm, Ammunition and Equipment (21-FBI-001583), including the following items: 1 Ruger LCP, .380 caliber pistol, SN: 371771904, Ser No: 371771904; 1 Magazine located in Ruger LCP; 2 2 rounds and 1 casing located in the magazine which was seized from Joshua Gutierrez on October 15, 2020 at 7106 Tribal Road N-56, located in Tohajiilee, NM

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (January 15, 2021) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, United States District Court for the District of New Mexico, 333 Lomas Blvd. NW, Albuquerque, NM 87103, and a copy served upon Assistant United States Attorney Steve Kotz, P.O. Box 607, Albuquerque, NM 87102. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition

for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Steve Kotz, P.O. Box 607, Albuquerque, NM 87102. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.



Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between January 15, 2021 and February 13, 2021. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Joshua Gutierrez

Court Case No: 1:20-CR-01867-MV
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	01/15/2021	24.0	Verified
2	01/16/2021	23.9	Verified
3	01/17/2021	23.9	Verified
4	01/18/2021	23.9	Verified
5	01/19/2021	23.9	Verified
6	01/20/2021	23.9	Verified
7	01/21/2021	23.9	Verified
8	01/22/2021	23.9	Verified
9	01/23/2021	23.8	Verified
10	01/24/2021	23.9	Verified
11	01/25/2021	23.8	Verified
12	01/26/2021	23.9	Verified
13	01/27/2021	23.9	Verified
14	01/28/2021	24.0	Verified
15	01/29/2021	24.0	Verified
16	01/30/2021	23.9	Verified
17	01/31/2021	23.9	Verified
18	02/01/2021	23.9	Verified
19	02/02/2021	23.9	Verified
20	02/03/2021	23.8	Verified
21	02/04/2021	23.9	Verified
22	02/05/2021	23.9	Verified
23	02/06/2021	23.9	Verified
24	02/07/2021	24.0	Verified
25	02/08/2021	23.9	Verified
26	02/09/2021	23.9	Verified
27	02/10/2021	23.9	Verified
28	02/11/2021	23.9	Verified
29	02/12/2021	23.9	Verified
30	02/13/2021	23.9	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.